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JAN 14 2005

OFFICE OF PETITIONS

In re Application of :
Leng : ON PETITION
Application No. 10/824,215 :
Filed: April 14, 2004 :
Attorney Docket No. 20341-73747 :
For: TABLE TOP :

This decision addresses the petition under 37 CFR 1.47(b), filed December 22, 2004 and supplemented on January 7, 2005.

The petition under 37 CFR 1.47(b) is granted.

Petitioner has shown that the non-signing inventor, Lu Hao Leng, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the petition signed by Attorney Richard B. Lazarus establishes that the inventor was mailed, *inter alia*, the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. Nathan Heisey, an employee of Cosco Management, Inc. (COSCO), a party in interest, has provided a declaration that states Mr. Leng's representative, Mr. Martin Yang, told him that Mr. Leng would not sign the declaration. In addition, petitioner has shown that COSCO has a proprietary interest in the above-identified application with the copy of the executed assignment/agreement showing that the inventor had an obligation to assign any patent rights to COSCO. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

The petition under 37 CFR 1.47(b) is granted. This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

Regarding finances, petitioner submitted \$1,890.00 for a four month extension of time, the late declaration surcharge, and the petition fee. The fee owed is \$1,590.00 (4 month EOT) + \$130.00 (surcharge) + \$200.00 petition fee OR \$1,920.00. Therefore, pursuant to petitioner's authorization, deposit account no. 10-0435 was charged the \$30.00 balance.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-

signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 3600 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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LU HAO LENG
ROOM 312, NO. 170, DANUE ROAD
SIMING DISTRICT
XIAMEN CITY, FUJIAN PROVINCE 361003
CHINA

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of :
Leng : LETTER
Application No. 10/824,215 :
Filed: April 14, 2004 :
Attorney Docket No. 20341-73747 :
For: TABLE TOP

Dear Mr. Leng:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Application No. 10/824,215

Page 2

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

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ATTORNEY OF RECORD: BARNES & THORNBURG
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